

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STUART WAYNE TOMPKINS       )  
                                  )  
          Plaintiff,            )  
                                  )  
v.                                )  
                                  )  
JACK CLELLAND, et al.,        )  
                                  )  
          Defendants.            )

1:17CV772

**ORDER**

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on August 31, 2017, was served on the parties in this action. (Docs. 7, 8.) Plaintiff objected to the Recommendation. (Doc. 10.)<sup>1</sup>

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination, which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Plaintiff's motions (Docs. 3, 4, 9) are DENIED, and that this action is DISMISSED *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983

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<sup>1</sup> Plaintiff also filed a motion for leave of court seeking permission to file his objections and notes that he attached a letter. (Doc. 9.) Plaintiff does not need leave of court to file his objections, and the letter does not alter the Recommendation's basis for dismissal.

forms, which corrects the defect cited in the Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

/s/ Thomas D. Schroeder  
United States District Judge

September 26, 2017